

ORDINANCE NO. 2278

AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE XXV, § 115-181 RELATING TO YARDS AND OPEN SPACES GENERALLY.

WHEREAS, in order to make it easier for Sussex County residents to get yard setback or building separation variances of 1 foot or less Sussex County has developed the Administrative Variance.

WHEREAS, the Director of Planning and Zoning may grant the Administrative Variance upon the submittal of a survey signed and sealed by a surveyor licensed in the State of Delaware and submittal of a \$50.00 fee.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. Amend Sussex County Code, Chapter 115, Article XXV § 115-181, YARD AND OPEN SPACES GENERALLY, by adding a new subsection 181 E. to read as follows:

E.
Administrative Variances.

- (1) Notwithstanding the provisions of Article XXVII of this Code, the Director of Planning and Zoning may administratively grant a yard setback or building separation variance that does not exceed 1 foot of the yard setback or building separation requirements.
- (2) There shall be a \$50.00 fee to request an administrative variance. If the applicant has to eventually submit an application to Board of Adjustment, the applicant shall receive a \$50.00 credit towards the Board of Adjustment application fee. The applicant shall submit a survey signed and sealed by a surveyor licensed in the State of Delaware to the Director of Planning and Zoning in order to be considered for an administrative variance.
- (3) The Director of Planning and Zoning shall give written notice to adjacent property owners of the requested administrative variance and accept written statements for 10 working days from the date of mailing.
- (4) The Director of Planning and Zoning shall be governed by all the procedures, standards and limitations of this Chapter applicable to the Board of Adjustment in granting variances, except the public hearing.
- (5) Within 30 working days after the administrative variance application is submitted and accepted, the Director of Planning and Zoning may approve the administrative variance or advise the applicant requesting the administrative variance that an application must be submitted to the Board of Adjustment. If any objection is received, the Director shall refer the application to the Board of Adjustment.
- (6) This Administrative Variance process shall not be applicable to Manufactured Home Parks.

Section 2. Effective Date. This Ordinance shall become effective upon its adoption by majority of all members elected to Council.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE 2278 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 25TH DAY OF SEPTEMBER 2012.



ROBIN A. GRIFFITH
CLERK OF THE COUNCIL